

INTERIM CONVEYANCE

WHEREAS

Chugach Natives, Inc.

is entitled to a conveyance pursuant to Secs. 22(f) and 22(j) of the Alaska Native Claims Settlement Act of December 18, 1971, 43 U.S.C. 1601, 1621(f), 1621(j), and Secs. 1302(h) and 1430(a) of the Alaska National Interest Lands Conservation Act of December 2, 1980, 94 Stat. 2371, 2475, 2531, for the surface estate in the following-described lands:

Middleton Island, Alaska

located approximately 80 miles southwest of Cordova, latitude 59°26' N., and longitude 146°20' W.,

Excluded from the conveyance of the surface estate the following-described lands:

1. QCD No. AA-515 to MIDICO

Commencing at U.S.C. and G.S. triangulation station "Middleton" which is the true point of beginning of this description; thence N. 55°56' W., approximately 1,400 feet to the line of mean high tide; northerly along the line of mean high tide to the northwest corner of PLO No. 640, which is also the southwest corner of ANS No. 222; S. 55°56' E., approximately 3,280 feet to a point on the southerly boundary of ANS No. 222; S. 34°04' W., approximately 2,464 feet to a point; N. 55°56' W., approximately 2,500 feet to the true point of beginning of this description, containing 182.114 acres, more or less.

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2. VOR Tract

Commencing at U.S.C. and G.S. triangulation station "Middleton" located at latitude 59°26'06.726" North and longitude 146°19'56.729" West proceed S. 53°43'49" W., 4,475.06 feet to the point of beginning, said point is at the mean high tide line on the westerly side of Middleton Island; thence east 2,715 feet to a point; thence south 4,000 feet to a point; thence west 4,000 feet to a point; thence north 2,720 feet to a point, said point is at the mean high tide line on the westerly side of Middleton Island; thence northeasterly along said mean high tide line 1,814 feet, more or less, to the point of beginning, containing 348.4 acres, more or less.

3. Radar Tract

Commencing at U.S.C. and G.S. triangulation station "Middleton" located at latitude 59°26'06.726" North and longitude 146°19'56.729" West proceed S. 77°36'04" W., 1,857.51 feet, more or less, to the point of beginning, said point is at the mean high tide line on the westerly side of Middleton Island; thence east 2,410 feet to a point; thence south 3,000 feet to a point; thence west 1,488.78 feet to a point, said point is on the east boundary of the VOR tract; thence north along said boundary 751.45 feet to a point, said point is the northeast corner of the VOR tract; thence west 1,511.22 feet along the north boundary of the VOR tract to a point; thence north 1,678.55 feet to a point, said point is at the mean high tide line on the westerly side of Middleton Island; thence northeasterly along said mean high tide line 820 feet, more or less, to the point of beginning, containing 176.7 acres, more or less.

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4. NDB Tract

Commencing at U.S.C. and G.S. triangulation station "Middleton" located at latitude 59°26'06.726" North and longitude 146°19'56.729" West proceed N. 32°41'34" E., 11,341.34 feet to the point of beginning; thence west 600 feet to a point; thence north 600 feet to a point; thence east 600 feet to a point; thence south 600 feet to the point of beginning, containing 8.26 acres, more or less.

Aggregating approximately 1509.53 acres.

Excluded from the above-described lands herein conveyed are lands covered by tidal waters up to the line of mean high tide. The actual limits of tidal influence for those water bodies, if any, will be determined at time of survey.

Also excluded are those lands, if any, that may have risen above mean high tide by means of avulsion after January 3, 1959.

NOW KNOW YE, that there is, therefore, granted by the UNITED STATES OF AMERICA, unto the above-named corporation the surface estate in the lands above described, TO HAVE AND TO HOLD the said estate with all the rights, privileges, immunities, and appurtenances, of whatsoever nature, thereunto belonging unto the said corporation, its successors and assigns, forever.

EXCEPTING AND RESERVING TO THE UNITED STATES from the lands so granted:

Pursuant to Sec. 1430 of the Alaska National Interest Lands Conservation Act of December 2, 1980, 94 Stat. 2371, 2531, and the 1982 CNI Settlement Agreement (the Agreement);

1. The following rights, privileges, and appurtenances in the subsurface estate in accordance with Paragraph 9.E of the Agreement, underlying those parcels known as the

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VOR Tract, Radar Tract, and the NDB Tract as described in Paragraph 9.B of the Agreement, are reserved to the United States:

- (1) The right to maintain and service existing waterwells and cisterns and to withdraw from such wells and cisterns all water reasonably required by the United States for its employees, agents, contractors, licensees, permittees or assigns;
 - (2) The right to explore for, dig or drill new waterwells and cisterns and to withdraw from such wells and cisterns all water reasonably required by the United States for its employees, agents, contractors, licensees, permittees, or assigns; and
 - (3) The right to maintain, relocate or remove any pipes, cables, foundations, cellars, basements, sewers and septic systems or other devices placed in the subsurface on Middleton Island on these tracts and the right hereafter to place, maintain, relocate, or remove additional pipes, cables, foundations, cellars, basements, sewers and septic systems or other devices as required by the United States for its employees, agents, contractors, licensees, permittees, or assigns.
2. The following barge landing and alternate barge landing easements and interests in land as provided for in Paragraphs 13.B(33) and 13.B(34), including improvements and facilities constructed thereon, are reserved to the United States. The easements are described in Paragraphs 9.H(1)(a) and 9.H(1)(b) and are shown on the attached easement map, a copy of which will be found in case file AA-50379-8. Use of the easements shall be in accordance with the provisions of Paragraphs 9.H(2), 9.H(3) and 9.H(4) of the Agreement. The following general standards, shall apply:
- (2) The rights of the United States in the lands reserved as barge sites shall include the right to land any marine vessel, load or unload any such

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marine vessel, store goods until they can be transferred from such site, store vehicles used for the purpose of loading, unloading or transferring goods, material or personnel from such marine vessels, and construct, maintain or remove improvements reasonably necessary for the proper utilization of a marine vessel landing site including, but not limited to, the purposes previously stated in this subparagraph.

(3) CNI covenants and agrees to provide without charge alternate sites for the purposes set forth in subparagraph H(2) of this paragraph if the sites to be reserved pursuant to this Agreement can no longer serve the purposes of the United States because of erosion, accretion, avulsion, earthquake or other acts of God. The United States agrees to relinquish the sites reserved as barge landing sites in this subparagraph if alternate sites are provided by CNI or if the United States ceases to use Middleton Island for any governmental purpose.

(4) CNI may use the lands reserved in this subparagraph or any alternate sites provided pursuant to this subparagraph and the facilities and improvements placed thereon in any manner that does not interfere with use of the lands, improvements or facilities by the United States. CNI covenants and agrees to promptly cease and desist any use that interferes with the use of the lands, improvements or facilities of the United States or to change or modify its use in accordance with instructions from the representatives responsible for operations on Middleton Island.

(33) Middleton Island Barge Landing - An easement for an existing barge landing area on the northwestern side of Middleton Island in the location and for the purposes and uses described in Paragraph 9.H of the Agreement.

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Commencing at U.S.C. & G.S. triangulation station "Middleton" located at latitude 59°26'06.726" north and longitude 146°19'56.729" west proceed N. 25°50'21" E. 10,325.82 feet, to the point of beginning, said point is at the mean high tide line on the westerly side of Middleton Island; thence S. 73°01'E., 100 feet to a point; thence N. 16°59'E., 550 feet to a point, thence N. 73°01' W., 105 feet, more or less, to a point, said point is at the mean high tide line on the westerly side of Middleton Island; thence southerly 550 feet, more or less, to the point of beginning, containing 1.3 acres, more or less.

(34) Middleton Island Alternate Barge Landing - An easement for an existing alternate barge landing area on the northeastern side of Middleton Island in the location and for the purposes and uses described in Paragraph 9.H of the Agreement.

Commencing at U.S.C. & G.S. triangulation station "Middleton" located at latitude 59°26'06.726" north and longitude 146°19'56.729" west proceed N. 31°06'28" E. 11,943.62 feet, more or less, to the point of beginning, said point is at the mean high tide line on the northerly side of Middleton Island; thence S. 49°20' W., 125 feet to a point; thence N. 40°40' W., 500 feet to a point; thence N. 49°20'E., 140 feet to a point, said point is at the mean high tide line on the northerly side of Middleton Island; thence southeasterly along said mean high tide line 500 feet, more or less, to the point of beginning, containing 1.5 acres, more or less.

3. The following Power Cable easement and interests in land as provided for in Paragraph 13.B(35), including improvements and facilities constructed thereon, are reserved to the United States.

(35) Middleton Island Power Cable - An easement for an existing buried power cable, the location of which is unsurveyed but is marked on-the-ground, between the

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existing Radar site and Non-Directional Beacon, for the purposes and uses described in Paragraph 9.E(3) of the Agreement.

4. The following Roads easement and interests in land as provided for in Paragraph 13.B(36), including improvements and facilities constructed thereon, are reserved to the United States. The roads are shown on the attached easement map, a copy of which will be found in case file AA-50379-8. Use of the easement shall be in accordance with the provisions of Paragraph 13.D(1) of the Agreement. The following general standards unless otherwise specified, shall apply:

Road easements shall be sixty (60) feet in width for local roads and one hundred (100) feet in width for regional roads. A trail may be constructed within a road easement. (The road easement referenced above shall apply only to those roads existing on January 10, 1983, the effective date of the 1982 CNI Settlement Agreement.

(36) Middleton Island Roads - Easements for all existing local roads on Middleton Island, for the purposes and uses described in Paragraphs 9 and 13 of the Agreement.

5. The following Airport and Air Avigation easements and interests in land as provided for in Paragraph 9.L of the Agreement, including improvements and facilities constructed thereon, are reserved to the United States. The easements as described in said paragraph are shown on the attached easement map, a copy of which will be found in case file AA-50379-8. Use of easements shall be in accordance with the provisions of Paragraph 9.G which states that Chugach Natives, Inc. covenants and agrees:

- (1) Not to cross by vehicle the operating surface of the airport runway.

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- (2) Not to use the operating surfaces of the airport runway as a roadway.
- (3) Not to create or maintain any dump sites on the island that would attract birds and become a hazard to airport operations.
- (4) Not to undertake any construction on Middleton Island that will interfere with any United States navigational aids or with the operations at the airport or use by the occupant of the surface estate. CNI will consult, to the maximum extent practicable, with the occupant of the retained lands prior to undertaking construction on Middleton Island.
- (5) Not to stop or park within 1,000 feet of the Radar or VOR towers or antennas that are or may be located on Middleton Island.

The following general standards, unless otherwise specified, shall apply:

Avigation easements shall include the right to clear and keep clear the land from any and all obstructions infringing upon or penetrating the airport imaginary surfaces, as such surfaces are defined in Part 77 of the Federal Aviation Regulations, as amended.

(37) Middleton Island Airport and Air Avigation - An easement for an airport on the lands described in Paragraph 9.L of the Agreement and an air avigation easement for landing, take-off and public safety surrounding the boundary of the airport on Middleton Island triangulated for height and distance from the airport in accordance with Federal Aviation Administration regulations.

Commencing at U.S.C. & G.S. triangulation station "Middleton" located at latitude 59°26'06.726" north and longitude 146°19'56.729" west proceed N. 47°39'56" E., 2535.07 feet to the point of beginning; thence

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N. 34°03'30" E., 6007.84 feet to a point; thence
 N. 30°19'50" W., 125.00 feet to a point; thence
 N. 34°03'30" E., 200.00 feet to a point; thence
 N. 30°19'50" W., 2063.12 feet to a point; thence
 N. 59°40'10" E., 500.00 feet to a point; thence
 S. 30°19'50" E., 1948.44 feet to a point; thence
 N. 34°03'30" E., 1029.92 feet to a point; thence
 N. 25°31'39" E., 842.65 feet to a point; thence
 S. 55°56'30"E., 595.00 feet, more or less, to a point,
 and said point is at the Mean High waterline on the
 northerly side of Middleton Island; thence Southerly
 along said Mean High waterline 1406 feet, more or less,
 to a point; thence S. 34°03'30"W., 1625.00 feet to a
 point; thence S. 30°19'50"E., 288.12 feet to a point;
 thence S. 59°40'10"W., 601.06 feet to a point; thence
 S. 34°03'30"W., 5376.95 feet to a point; thence
 N. 55°56'W., 1500.00 feet to the point of beginning,
 containing 313.2 acres, more or less; and

6. The following easements known as Parcel A, Parcel B, Parcel C, and Parcel D, in the surface estate, as described in Paragraph 9.K(1) of the Agreement, are reserved for the benefit of the U.S. Fish and Wildlife Service. Use of easements shall be in accordance with the provisions of Paragraph 9.K of the Agreement, including the following provisions of subparagraphs 9.K(3) and 9.K(4):

(3) The United States, acting through the Fish and Wildlife Service, shall have right of entry and occupancy on and to Parcels A through D for itself and its cooperators for the purpose of conducting biological studies, monitoring populations, and enforcing laws and regulations, and the right to regulate entry, use, and occupancy by others in the same manner as such may be regulated on other portions of the Alaska Maritime National Wildlife Refuge or similar or successor units.

(4) CNI may not conduct or permit any activities on the lands contained in Parcels A through D of

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subparagraph K(1) of this paragraph which may cause or lead to erection of structures, establishment of roads or trails, or other disturbances of land or vegetation, or enter or permit entry to the easement area, without prior written permission from the Fish and Wildlife Service and subject to such terms, conditions or restrictions as the Fish and Wildlife Service may require. CNI may not use the surface within the easement area for exploration or exploitation of the subsurface estate without the written permission of the U.S. Fish and Wildlife Service and the occupant of the surface estate.

PARCEL A

Commencing at U.S. Coast and Geodetic triangulation station "Middleton" located at latitude 59°26'06.726" north and longitude 146°19'56.729" west proceed N. 32°45' E., for approximately 11,950 feet to corner No. 1, the true point of beginning for this parcel, a point on the line of mean high tide determined as of January 3, 1959, on the northeast shore of Middleton Island, at approximate latitude 59°27'41" north, longitude 146°17'57" west; thence S. 60°00' W., approximately 370 feet to corner No. 2, a point on the east boundary of the Federal Aviation Administration's Non-Directional Beacon (NDB) boundary; thence south along a portion of the east boundary, and continuing through the southeast corner of the NDB tract, approximately 720 feet to corner No. 3, a point on a line extended northwesterly from the north end of runway 1 - 19; thence S. 55°56'30" E., approximately 1110 feet to corner No. 4, at a point on the line of mean high tide (determined as of January 3, 1959) thence northwesterly, with meanders, along the line of mean high tide (determined as of January 3, 1959) of the Gulf of Alaska, approximately 1660 feet to corner No. 1, the point of beginning, containing approximately 17 acres; and

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PARCEL B

Commencing at U.S. Coast and Geodetic triangulation station "Middleton" located at latitude $59^{\circ}26'06.726''$ north and longitude $146^{\circ}19'56.729''$ west proceed N. $45^{\circ}17'$ E., for approximately 10,380 feet to corner No. 1, the true point of beginning for this parcel, a point on the line of mean high tide determined as of January 3, 1959, on the northeast shore of Middleton Island; thence S. $34^{\circ}03'30''$ W., for approximately 1625 feet, along a portion of the east Boundary Restriction Line (BRL) at the north end of runway 1 - 19, to corner No. 2; thence S. $30^{\circ}19'50''$ E., for approximately 288.12 feet, to corner No. 3, identical with the southeast corner of the approach zone at the east end of runway 12-30; thence S. $59^{\circ}40'10''$ W., approximately 601.06 feet to corner No. 4, a point on the east boundary of the BRL; thence S. $34^{\circ}03'30''$ W., along a portion of the BRL, approximately 5376.95 feet to corner No. 5, a point on the northeast boundary of the MIDICO (private land) tract; thence approximately S. $55^{\circ}56'$ E., 450 feet, along a portion of the northeast boundary of the MIDICO tract to corner No. 6, identical with the most eastern corner of the MIDICO tract; thence S. $34^{\circ}03'30''$ W., along a portion of the southeast boundary of the MIDICO tract, approximately 1317 feet to corner No. 7 a point on the southeast boundary of the MIDICO tract; thence S. $60^{\circ}00'$ E., approximately 390 feet to corner No. 8, a point on the line of mean high tide (determined as of January 3, 1959) thence northerly, with meanders, along the line of mean high tide (determined as of January 3, 1959) of the Gulf of Alaska, approximately 9,285 feet to corner No. 1, the point of beginning, containing approximately 172 acres; and

PARCEL C

Commencing at U.S. Coast and Geodetic Triangulation station "Middleton" located at latitude $59^{\circ}26'06.726''$ north and longitude $146^{\circ}19'56.729''$ west proceed

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S. 32°40' E., for approximately 3330 feet to corner No. 1, the true point of beginning for this parcel, a point on the line of mean high tide (determined as of January 3, 1959) on the east shore of Middleton Island; thence west, approximately 1170 feet to corner No. 2, a point on the east boundary of the Federal Aviation Administration's (FAA) Radar Site; thence south, along a portion of the east boundary of the Radar Site approximately 450 feet to corner No. 3, identical to the southeast corner of the Radar Site; thence west, along a portion of the south boundary of the Radar Site, approximately 215 feet to corner No. 4, the intersection of the south boundary of the Radar Site and theoretical range line between T. 28 S., R. 6 and 7 W., Copper River Meridian; thence south, along the theoretical range line approximately 813 feet to corner No. 5; thence west, approximately 1273.78 feet to corner No. 6, a point on the east boundary of FAA's VOR Site; thence south, along a portion of the east boundary of the VOR Site, approximately 2533.44 feet to corner No. 7, identical to the southeast corner of the VOR Site; thence west, 4000 feet, along the south boundary of the VOR Site to corner No. 8, identical to the southwest corner of the VOR Site; thence north, along the west boundary of the VOR Site, approximately 2720 feet to corner No. 9, a point at the line of mean high tide (determined as of January 3, 1959) on the west boundary of the VOR Site; thence southwesterly and northeasterly, with meanders, along the line of mean high tide, (determined as of January 3, 1959) on the shore of the southern end of Middleton Island, in the Gulf of Alaska, to corner No. 1, the point of beginning, containing approximately 508 acres, aggregating approximately 697 acres; and

PARCEL D

All other land owned by the United States seaward of the above described land which may have been added by accretion or other natural means.

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THE GRANT OF THE ABOVE-DESCRIBED LAND IS SUBJECT TO:

1. Issuance of a patent after approval and filing by the Bureau of Land Management of the official plat of survey confirming the boundary description and acreage of the lands hereinabove granted;
2. Valid existing rights therein, if any, including but not limited to those created by any lease (including a lease issued under Sec. 6(g) of the Alaska Statehood Act of July 7, 1958, 48 U.S.C. Ch. 2, Sec. 6(g)), contract, permit, right-of-way, or easement, and the right of the lessee, contractee, permittee, or grantee to the complete enjoyment of all rights, privileges, and benefits thereby granted to him. Further, pursuant to Sec. 17(b)(2) of the Alaska Native Claims Settlement Act of December 18, 1971, 43 U.S.C. 1601, 1616(b)(2), (ANCSA), any valid existing right recognized by ANCSA shall continue to have whatever right of access as is now provided for under existing law;
3. The terms and conditions of the 1982 CNI Settlement Agreement, including but not limited to Paragraph 9, entered into pursuant to Sec. 1430 of the Alaska National Interest Lands Conservation Act of December 2, 1980, 94 Stat. 2371, 2531. A copy of the 1982 CNI Settlement Agreement is recorded in the Valdez Recording District in File No. 83-95, book 97, pages 704-864.
4. The covenant under Paragraph 9.I of the 1982 CNI Settlement Agreement, entered into pursuant to Sec. 1430 of the Alaska National Interest Lands Conservation Act of December 2, 1980, 94 Stat. 2371, 2531, that:

Chugach Natives, Inc. (CNI) agrees that all existing roads reserved pursuant to Paragraph 13.B(36) of the 1982 CNI Settlement Agreement shall be subject to relocation whenever the United States determines that the road in its

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current location no longer serves the needs of the United States or CNI because of deterioration, damage, uplift or subsidence of the island or any part thereof. CNI and the United States agree to enter into cooperative use and maintenance agreements under terms and conditions mutually agreeable to CNI and the occupants of the surface estate on Middleton Island.

IN WITNESS WHEREOF, the undersigned authorized officer of the Bureau of Land Management has, in the name of the United States, set her hand and caused the seal of the Bureau to be hereunto affixed on this 25th day of September, 1984, in Anchorage, Alaska.

UNITED STATES OF AMERICA


Chief, Branch of
ANCSA Adjudication

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